

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM GENE EATON,

Plaintiff

v.

UNITED STATES of AMERICA

Defendant

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CIVIL NO. 3:CV-15-1932

(Judge Caputo)

**O R D E R**

**AND NOW**, this **7th** day of **AUGUST, 2017**, upon consideration of Defendants' to Dismiss or, in the alternative, Motion for Summary Judgment (ECF No. 25) it is **ORDERED** that:

1. Defendants' motion for summary judgment (ECF No. 25) is **GRANTED**.
2. Mr. Eaton's Complaint shall be **DISMISSED without prejudice** due to his failure to properly exhaust his administrative tort claim remedies prior to initiating this action.
3. The Clerk of Court shall **CLOSE** this file.

/s/ A. Richard Caputo  
**A. RICHARD CAPUTO**  
United States District Judge